

ALBERTA ENERGY AND UTILITIES BOARD

Calgary Alberta

PREHEARING MEETING

**EPCOR POWER DEVELOPMENT CORPORATION
AND EPCOR GENERATION INC.
ATCO PIPELINES**

**Memorandum of Decision
Application No. 990289
Application No. 1055407**

1 INTRODUCTION

EPCOR Power Development Corporation and EPCOR Generation Inc., both wholly owned subsidiaries of EPCOR Utilities Inc. (collectively, EPCOR), filed Application No. 990289 on June 25, 1999, requesting the approval of the Alberta Energy and Utilities Board (EUB/Board) to construct and operate a 170 megawatt natural gas-fired turbine, designated as Unit 11, at its Rosedale power plant in Edmonton.

ATCO Pipelines (ATCO) filed Application No. 1055407 on December 19, 1999, requesting the approval of the EUB to construct and operate a new natural gas pipeline from its Edmonton Ethane Extraction plant to EPCOR's Rosedale power plant. The proposed pipeline would have a 406 millimetre outside diameter, be approximately 9 kilometres in length, and would have a maximum operating pressure of 4964 kilopascals.

The EUB directed that these applications be considered at a public hearing, which was originally scheduled to commence in Edmonton on May 24, 2000. The EUB also identified the need to conduct a prehearing meeting to consider the issues to be addressed, the timing of the hearing, and other preliminary matters to allow for hearing efficiency.

The Board held a prehearing meeting in Edmonton, Alberta, on April 17, 2000, before J. D. Dilay, P.Eng. (Presiding Member), T. M. McGee (Board Member), and C. A. Langlo, P.Geol. (Acting Board Member).

Those who appeared at the prehearing meeting, along with a list of abbreviations used in this memorandum of decision, are set out in Appendix A.

2 ISSUES CONSIDERED AT THE PREHEARING MEETING

At the prehearing meeting, the Board established an agenda of the following items:

- 1) issues to be examined at the hearing,
- 2) how each proposed participant is affected by or otherwise interested in the applications in order to
 - assist the Board in determining whether participants are local interveners and therefore qualified to seek local intervener costs, and
 - encourage those participants with common issues to pool their resources in order to minimize duplication and provide for a more efficient review,

- 3) the appropriate timing of the hearing and any other scheduling matters, and
- 4) any other preliminary matters requiring clarification in order for the subsequent hearing to be more efficient and effective.

In noting the views of the parties in relation to these agenda items, the Board has endeavoured, in the interests of expediency, to summarize without associating specific participants with specific issues unless the Board felt that it was necessary to do so in a particular instance. The fact that particular participants are not specifically mentioned should not be interpreted as an indication that the Board did not take their views into account.

3 ISSUES TO BE CONSIDERED AT THE HEARING

3.1 Views of EPCOR

EPCOR provided the Board with two tables (exhibit 3) broken down into various categories in which it set out the issues raised by the participants. Table 1 includes the issues that EPCOR agreed were relevant for the Board to consider at the hearing of EPCOR's application, and Table 2 lists the issues it submitted were irrelevant to the Board's consideration of the application. The Board found these tables and their categories to be of considerable assistance in understanding the various matters raised by the participants. With some modifications and grouping of some issues, these tables are reproduced here in Appendix B, along with the Board's conclusion in relation to each issue.¹

EPCOR made no particular submissions about those issues it conceded were relevant to the Board's consideration of the applications, but it did provide comments with respect to the issues in Table 2, which it characterized as irrelevant to the proceedings. These are described below by category.

Category 2-A: Need for and Economics of the Project

EPCOR stated that the need for and the economics of the project were no longer relevant considerations for the Board in an application for approval of a power plant pursuant to Section 9 of the Hydro and Electric Energy Act (H&EE Act). Although Section 2.1 of the Energy Resources Conservation Act (ERC Act) requires the Board to give consideration to whether a project is in the public interest, having regard for the social and economic effects of the project and the effects of the project on the environment, Section 2.1 of the H&EE Act requires the Board to treat an application for a new generating unit in a manner similar to that for industrial facilities. EPCOR noted that in doing so, the Board is directed by Section 2.1 of the H&EE Act to have regard to Section 6 of the Electric Utilities Act (EU Act) when considering those matters prescribed by Section 2.1 of the ERC Act and when considering whether the purposes of the H&EE Act (set out in Section 2 of that act) are being met.

¹ Because there was some confusion at the prehearing as a result of particular participants being identified with particular issues in EPCOR's tables, the Board has not done so in Appendix B as it is not material to the Board's consideration of the scope of the issues to be addressed at the hearing. The Board emphasizes that if it determines an issue to be relevant to the proceedings, any participant is at liberty to give evidence or make submissions in relation to it. However, the Board does wish to discourage as much duplication as possible in the proceedings and reminds participants that duplication may affect the amount of costs awarded to those who qualify to seek them.

EPCOR argued that Section 6 of the EU Act, specifically paragraph 6(d), clearly contemplates that pricing and investment decisions relating to the generation of electricity are to be left to the competitive market. Noting that Section 2.1 of the H&EE Act was only added when the EU Act was enacted in 1995, EPCOR stated that the Legislature was making it clear to the Board that its traditional consideration of need and project economics was no longer necessary or appropriate in the deregulated electricity market. Therefore, it submitted that the issues relating to need and economics set out in Category 2-A of Table 2 (Appendix B) were not relevant and should not be included on the issues list for the hearing.

With respect specifically to the issue of highest and best use of natural gas, also set out in Category 2-A, EPCOR stated that it is not required to obtain an industrial development permit from the Board for its project because a power plant is specifically exempt from that requirement under paragraph 30(3)(a) of the Oil and Gas Conservation Act. Therefore, EPCOR submitted that this issue also was not relevant to EPCOR's application.

EPCOR did agree that socioeconomic impacts of the project were relevant to the Board's consideration of the applications but maintained that those impacts were of the kind set out in Table 1, not the need for and the economics of the project itself.

Category 2-B: Land-Use Planning Issues

EPCOR responded to the argument raised by some participants that the Board must have regard for Section 619 of the Municipal Government Act (MGA) and must consider land-use planning issues if it proceeds to a hearing before the City of Edmonton (the City) deals with any development permit applications from EPCOR. It pointed out that the City approved the project in a September 14, 1999, City Council meeting (exhibit 5). EPCOR stated that it must still apply for and obtain development permits from the City and that land-use planning issues were within the City's jurisdiction, not the Board's. EPCOR did acknowledge that land use (for example, impacts on recreational use of the river valley) was an issue that the Board could properly consider and included it in Table 1 (Appendix B).

With respect to the City of Edmonton's approval process relating to the project, EPCOR stated that the Board was not the proper forum for participants to raise concerns about the City's process.

Category 2-C: Other Matters

EPCOR advised the Board that the Site Integration Plan was still in a preliminary draft form and was intended to integrate the entire Rosssdale site (not just the site of Unit 11) into the Rosssdale community from essentially a landscaping and aesthetic perspective. It stated that it was a plan that ultimately must receive approval from the City and, therefore, was not a matter for the Board to consider in the

hearing. However, EPCOR did indicate that, if requested by the Board, it would provide a copy of the latest draft of the Site Integration Plan to all participants.

The final issue noted by EPCOR under this category was a general interest in resource development projects, which EPCOR submitted was too vague to be considered by the Board in the context of these proceedings.

With respect to the historical resources issues raised by some of the participants (archaeological artifacts, burial sites, historic architecture), included by EPCOR in Table 1, EPCOR advised that it had been in ongoing discussions with Alberta Community Development (ACD) on these issues. EPCOR stated in particular that ACD agreed with EPCOR's proposed burial site policy. EPCOR also stated that it understood that further assessment work was required in relation to Fort Augustus and precontact resources and that it would be conducting that work over the next two summers. With respect to the Low Pressure (LP) Building, EPCOR said that it was its understanding that ACD did not require any further information from EPCOR.

3.2 Views of ATCO

ATCO agreed with EPCOR's views of the issues to be considered to the extent that the issues identified by EPCOR as relevant to its application were also relevant to ATCO's pipeline application. ATCO did acknowledge that the Board has a responsibility to consider whether its proposed pipeline is in the public interest. ATCO specifically confirmed that issues of risk and safety associated with public safety were relevant considerations and understood them to be included in EPCOR's Table 1 (Appendix B).

As to whether the Board should consider land-use planning issues or should defer its consideration of the applications until development permits were applied for, ATCO submitted that Section 619 of the MGA clearly contemplates that the Board's process will precede the municipal development permit process. ATCO also stated that nothing in Section 619 transfers jurisdiction over land-use planning issues from the City to the Board and noted that the Board had in previous decisions declined to deal with these issues.

3.3 Views of the Other Participants

ConCerv and the Rosedale Community League (RCL) submitted that the Board must consider need and alternatives to the projects, including economic considerations, such as the impact of additional generating capacity at this site. ConCerv specifically stated that, rather than removing factors for consideration by the Board, Section 2.1 of the H&EE Act and its reference to Section 6 of the EU Act adds to those considerations the Board would otherwise take into account in assessing the public interest. ConCerv argued that the legislation would have been more specific if it had intended the Board to abandon its traditional consideration of need, alternatives, and economic impacts. These participants noted the purposes of the H&EE Act, which include the "economic, orderly and efficient development" of electricity generation, and submitted that in order to assess the costs and benefits of this project that are in the public interest, the Board must consider the economics of the project.

Other participants supported these submissions. In particular, Mr. Jimenez urged the Board to consider the need for the project, which he felt raised an important issue relating to the effect of

natural gas price changes on the cost of the power produced by the project. He asked the Board to consider the issue of “convergence” in the utility industry. Others argued that natural gas should be retained for better uses and that EPCOR should embark on an energy conservation project rather than increasing capacity.

ConCerv raised the issue of the appropriateness of constructing in Edmonton a new power facility whose positive benefits would be felt in southern Alberta. Related to this issue was the concern expressed by ConCerv and others that the existing Alberta Interconnected System (AIS) may need to be upgraded to accommodate the increased capacity from Rossdale. They stated that the Board must consider the impact on ratepayers of the cost of constructing the additional transmission facilities.

Although related primarily to their requests for an adjournment of the hearing, both ConCerv and the RCL also argued that Section 619 of the MGA requires the Board either to consider land-use planning issues or to defer consideration of EPCOR’s application until it has obtained development permits from the City. They submitted that Section 619 of the MGA requires the City to grant a development permit to the extent that the permit complies with an approval granted by the Board, and that if EPCOR applies to the City for a permit on the same terms and conditions as an approval from the Board, it will effectively circumvent the local planning process. They maintained that the local issues were so significant that they must be aired in either an EUB or a City forum. They argued that if the Board did not adjourn the hearing to allow EPCOR to obtain its development permit(s), the Board must consider those land-use planning issues that the City would be prevented from addressing by virtue of Section 619.

In addition, the RCL submitted that the Site Integration Plan was the most important planning instrument for the residents of Rossdale and argued that until the plan was finalized, the impact on those residents could not be known.

Some participants went so far as to state that certain City bylaws relating to development in the river valley and the community of Rossdale were contravened by EPCOR’s project. Others expressed concern with the way City Council had handled issues relating to this project so far (especially in relation to the designation of historical resources), stating that the City was in a conflict of interest because of its ownership of EPCOR.

A number of participants indicated that their primary concern was over the potential impacts of the projects on historical resources, including the LP Building, and archaeological resources, such as the remains of Fort Augustus and burial sites. Several aboriginal participants raised concerns with how EPCOR acquired title to the Rossdale site, how human remains and artifacts had been treated in the past at this site, and how they might be treated by EPCOR in the future. Mr. Good Striker also suggested that review of the projects under the Canadian Environmental Assessment Act was required because of the impact of the projects on aboriginal interests.

3.4 Views of the Board

The Board, as noted previously, believes EPCOR's summary of issues to be of considerable assistance in determining those issues that are within the scope of the hearing and those that are not.

The Board agrees that the effect of Section 6 of the EU Act, when read with Sections 2 and 2.1 of the H&EE Act and Section 2.1 of the ERC Act, is that considerations of the need for and the economics of generating units are no longer relevant considerations for the Board in an application pursuant to Section 9 of the H&EE Act, such as EPCOR's. Paragraph 6(d) of the EU Act is a clear signal by the Legislature to the Board that in cases such as this one pricing and investment decisions with respect to generation of electricity in the new deregulated market are to be left to competitive market forces.² Accordingly, the Board will not include the need for the project in the scope of the hearing.

In addition, the Board agrees with EPCOR's analysis of the effect of paragraph 30(3)(a) of the Oil and Gas Conservation Act as rendering the highest and best use of natural gas irrelevant to the application. Therefore, the Board will not include this issue in the scope of the hearing.

Subject to two exceptions, therefore, the Board agrees that those issues included by EPCOR in Category 2-A are not relevant to these proceedings. The exceptions are as follows:

- 1) To the extent siting issues are implicit in the "need for expanded facilities at the proposed location," those issues are relevant. However, the Board considers those issues to be already included in Table 1 (Appendix B).
- 2) Although the economics of the project itself are not relevant, the Board agrees that the social and economic impacts of the project may be considered by the Board.

With respect to Category 2-B, the Board agrees that concerns raised by participants about the City's processes in relation to this project are not relevant, as there are other avenues through which those concerns are more properly raised.

Second, the Board is of the view that Section 619 of the MGA neither requires the Board to consider land-use planning issues properly within the jurisdiction of the City nor to defer its consideration of EPCOR's application pending the outcome of the municipal development permit process. The Board believes that Section 619 contemplates that the Board's process will be carried through to completion prior to the City considering subdivision or development permit applications. The Board does not believe that Section 619 transfers to the Board or otherwise usurps jurisdiction over land-use planning matters otherwise within municipal jurisdiction. Section 619 recognizes that there may be some overlap in the Board's consideration of an application and that of a municipality. It does not require the Board to carry out the

² However, there may be other cases where the Board would consider need, for example, where generation is proposed as a transmission solution.

municipality's responsibilities under its own legislation. The Board has on a number of occasions stated that land-use planning issues are within municipal jurisdiction.³

For these reasons, the Board agrees that the issues contained in Category 2-B are not relevant to these proceedings and will not include them in the scope of the hearing.

With respect to the Site Integration Plan, the Board notes EPCOR's concern that this is a municipal matter requiring City approval and that it is presently in a preliminary draft form. Although the Site Integration Plan is not a matter of approval for this Board, landscaping and design issues are matters conceded to be relevant by EPCOR. Therefore, the Board does believe that the plan would be helpful and requests EPCOR to provide a copy of the most recent draft of the Site Integration Plan to the Board and the other participants.

Finally, while the Board agrees that general interest in resource development projects is too broad to be included in the issues list for the hearing, the Board emphasizes that participants in the hearing may make submissions on those issues that the Board has determined are relevant, regardless of who has raised the issue.

The Board notes that EPCOR indicated in Table 1 (Appendix B) that it considered historical resources generally to be relevant to the application, including issues relating to decommissioning and demolition of the LP Building, archaeological resources, and burial sites. The Board also notes the interest and involvement of ACD in relation to these issues. Specifically, ACD is in the process of conducting its own assessment of the significance of these resources with a view to making appropriate decisions under the Historical Resources Act. The Board is prepared to hear evidence and submissions on these historical resource issues but reserves its determination of whether these issues should more appropriately be dealt with by ACD under the Historical Resources Act. In that respect, the Board will value submissions from participants at the hearing on the respective roles of the Board and ACD in relation to these issues. The Board does note, however, that ACD may make determinations regarding historical resources that will materially impact how Board exercises its discretion with respect to these applications.

In reaching this conclusion, the Board wishes to be clear that it will hear evidence and submissions on the impacts of these proposed projects on historical resources. However, the Board will not hear evidence and submissions in relation to concerns participants may have with historical resources that are not impacted by the applications or with past treatment of historical resources, as these are not impacts of the projects themselves and therefore are not relevant to the applications. In particular, the Board cautions participants that it will not hear evidence or submissions relating to impacts on burial sites that arose in the past or may be associated with EPCOR's ongoing occupation of the Rosedale site (including historical land title issues). Evidence and submissions on this issue must relate to the potential impacts of the projects being applied for by EPCOR and ATCO.

³ For example, see *Decisions 97-4 and 97-8: Dow Chemical Canada Inc. Polyethylene Plant Expansion, Fort Saskatchewan*; *Decision 98-1: CE Alberta Bioclean Ltd., New MTBE/ETBE Plant, Fort Saskatchewan Area*; and *Decision 99-8: Shell Canada Limited, Application to Construct and Operate an Oil Sands Bitumen Upgrader in the Fort Saskatchewan Area*.

Subject to these comments, the Board agrees that it will consider the issues set out in Table 1 (Appendix B) at the hearing of the applications. Except for requiring EPCOR to provide a copy of the current draft of the Site Integration Plan (as relevant to design and landscape issues) and, again, subject to the above comments, the Board agrees that those issues set out in Table 2 (Appendix B) are not relevant to its consideration of the applications and are excluded. In light of these reasons, the Board has indicated by “Yes” and “No” in Appendix B the issues it considers relevant and irrelevant to the hearing. The Board directs participants to frame their written and oral evidence and submissions accordingly.

4 INTERVENER AND PARTICIPANT STATUS

As pointed out by EPCOR, the Board is bound by its legislation with respect to granting local intervener costs. Parties seeking costs must fall within the legislated definition of local intervener before they may make a claim for costs in these proceedings, including any claim for advance costs. In considering whether a person or a group or association of persons qualifies as a local intervener pursuant to Section 31(1) of the ERC Act, the Board must be satisfied that the party has an interest in land (in the legal sense, as opposed to a “concern” about the land) or is in actual occupation or is entitled to occupy land that is or may be directly or adversely affected by the subject matter of the application before the Board.

In requesting the participants to address how they are affected by or otherwise interested in these applications, the Board did not intend to prejudge the entitlement to costs of potential interveners. The Board did, however, have a concern that some participants appeared to have relatively remote interest in the applications, particularly given their geographical distance from the projects themselves. The Board was also concerned with what appeared to be considerable overlap in the concerns and positions of some of the participants. With those comments in mind, the Board emphasizes that in asking the parties to address their interest in these applications, the Board simply wished to draw the participants’ attention to the limit on the Board’s ability to award costs and, therefore, to approach their participation in these proceedings accordingly.

In addition, the Board must determine whether any costs claimed by a participant that qualifies as a local intervener are reasonably and necessarily incurred in relation to the proceedings. In this respect, the Board is entitled to take into account whether the intervener’s participation duplicated or overlapped that of another.

The Board also wishes to clarify an apparent confusion in the prehearing meeting with respect to the issue of advance funding. Again, the Board’s jurisdiction to make an award of advance costs is limited to “local interveners” as defined in Section 31 of the ERC Act, who must establish a need for advance funding. In that respect, the Board must be satisfied that

- an advance is required to allow preparation and participation at the hearing;
- the proposed budget is reasonable; and
- the issues to be put forth in the intervention are germane to the applications and within the jurisdiction of the Board.

Participants who think they might qualify for advance costs must submit a formal application to the Board in accordance with the requirements of Section 12 of the Local Intervener's Costs Regulation.⁴

The Board wishes to make it clear that whether or not a party is a local intervener will not determine whether that party can participate in the hearing. The Board will hear from those who register to participate at the outset of the hearing. After the hearing, the Board will consider any costs claims submitted to it to determine whether the participant is a local intervener and, if so, the amount of costs to be awarded to that participant.

The Board acknowledges the very helpful indications from a number of participants having similar issues and concerns of their willingness to cooperate with other participants to coordinate their respective participation in these proceedings to ensure that they are as efficient and effective as possible. The Board encourages all participants with similar concerns to work together to this end. This cooperation will add value to the quality of submissions while contributing to greater efficiency of the entire process.

5 TIMING OF THE HEARING

5.1 Views of EPCOR

EPCOR insisted that the hearing needed to proceed on the present schedule because it had set July 2003 as the proposed in-service date for Unit 11. It argued that it required 18 months lead time prior to beginning construction of Unit 11. EPCOR contended that it had already lost almost a year of planning and preparation time since it submitted its application.

EPCOR maintained that since all parties involved had known about this application for nearly a year, they had had ample time to do their research, acquire expert witnesses, and put together their submissions. EPCOR also submitted that any change in the hearing schedule would negatively affect its ability to schedule its own expert witnesses.

With regard to the historical resources impact assessment remaining to be carried out, EPCOR stated that these matters could be dealt with by EPCOR and ACD outside the hearing process and, if need be, any decision or approvals arising from the hearing could be conditioned to take these issues into account.

EPCOR further submitted that if the hearing were to be held any time after June 12, 2000, there would not be sufficient time to conclude the hearing before to July 5, 2000, the commencement date for the auction of power purchase arrangements under the EU Act (PPA Auction). Since some of EPCOR's witnesses would be tied up in the PPA Auction, which EPCOR believed "could go on for several months," they might not be available for the hearing. Therefore, EPCOR concluded that any hearing date beyond June 12, 2000, would severely jeopardize its ability to meet the proposed July 2003 in-service date.

⁴ See EUB *Guide 31: Guidelines Respecting Applications for Local Interveners' Costs Awards*, available from the EUB's Edmonton and Calgary offices and on the EUB Web site (www.eub.gov.ab.ca).

EPCOR indicated that it would likely submit further information to the Board in support of its application (including a risk assessment, information respecting impacts of the project on land values, update of its public consultation program, updated project schedule, and conceptual three-dimensional graphics). EPCOR also indicated that it would be willing to provide a copy of the current draft Site Integration Plan.

5.2 Views of ATCO

With respect to the issue of timing, ATCO concurred with EPCOR's schedule.

5.3 Views of Other Participants

ACD was of the opinion that the additional archaeological work that EPCOR had identified as being required needed to be completed to enable ACD to seat a panel of witnesses to address the historical resources impacts of the projects at the hearing. ACD contended that its position should be clear at the time of the hearing so that it could present evidence to the Board to support its position. ACD indicated that it believed that EPCOR's consultant could complete the work this summer. ACD further indicated that it believed that it could decide on its position within the time framework that other interveners had suggested (i.e., six months from the prehearing meeting). In response to questions from the Board, ACD indicated that it did not believe that splitting the hearing to deal first with issues other than historical resources issues would be practical or effective. ACD felt that the Board would be in a better position to assign weight to the various factors to be considered in the public interest if all issues were addressed at the same time.

As noted previously, ConCerv and the RCL both argued that the Board should adjourn its hearing until after EPCOR had obtained development permits from the City so that the City was not hampered in its consideration of the project by Section 619 of the MGA. ConCerv also suggested that an adjournment was in order to allow the participants to explore the possibility of mediation.

Most of the other interveners suggested an adjournment of the hearing date for six months from the time of the prehearing meeting. Nearly all of the interveners stated that a hearing on May 24, 2000, would not allow them sufficient time to gather their evidence, acquire expert witnesses, and put together their submissions. Several interveners stated that it was not possible to do these things prior to the Board issuing a notice of hearing. A number of interveners also concurred with ACD that the archaeological work should be completed prior to the hearing. Those participants with similar issues and who expressed a willingness to coordinate their activities indicated that they would require time to do that.

5.4 Views of the Board

Following the prehearing meeting, it became clear to the Board that the originally scheduled hearing date of May 24, 2000, could not be maintained. Therefore, the Board, through its legal counsel, issued a letter to the participants on April 27, 2000, advising that the May 24 date would be cancelled and the hearing rescheduled in accordance with the reasons set out in this memorandum of decision.

While the Board understands EPCOR's desire to complete the hearing process quickly and is mindful of the practical constraints facing its principals and experts, the Board believes that the most efficient and effective way to incorporate the historical resources issues relevant to the applications into this process is to adjourn the hearing long enough to allow the remaining historical resources assessment work to be conducted during this summer season and to allow ACD and the other participants an adequate opportunity to review the assessment. In that respect, the Board strongly encourages EPCOR and ACD to share with the Board and the other participants relevant information generated during the course of the assessment as soon as it is available. This will allow participants and the Board the greatest opportunity to review the information and prepare for the hearing.

The Board does not share EPCOR's view that the PPA Auction will take months to complete. The Board believes that the auction will be completed in a relatively short time and, therefore, will not adversely affect EPCOR's witnesses or its presentation of evidence if the hearing is deferred beyond June 12, 2000.

The Board does not, however, agree with ConCerv and the RCL that it is necessary to adjourn the hearing until EPCOR has applied for and obtained any development permits necessary for the project to proceed. As already indicated in relation to the issues to be considered at the hearing, the Board believes that Section 619 of the MGA contemplates that the Board's process will occur first and any land-use planning issues must be dealt with in the context of the City's development permit process.

The Board also notes that EPCOR has indicated that it will be submitting further information to the Board and to the other participants that will require review by all parties prior to the hearing. The timing of this information is presently uncertain, although EPCOR has committed to providing it shortly.

Finally, the Board acknowledges the need expressed by those who are prepared to coordinate their participation to accomplish that goal. The Board is mindful that with the number of participants with apparently overlapping concerns, adequate time is required to organize their efforts and respond appropriately to the applications.

Having regard to these factors, the Board has determined that the hearing will now commence on October 17, 2000, in Edmonton, Alberta. The Board will issue a formal notice of rescheduling of hearing in due course.

In response to the suggestion by ConCerv that mediation should be pursued, the Board wishes to note that it supports any initiative by the participants to resolve issues outside of the hearing

process. The Board suggests that the new scheduling of the hearing offers participants the opportunity to explore alternative means for the resolution of issues.

6 OTHER MATTERS

Some participants suggested that the Board should split the hearing to deal with EPCOR's and ATCO's applications separately. The Board believes it appropriate to hear the two applications together given the overlap between them and the efficiencies in the hearing process that will result. Therefore, the Board confirms that the two applications will be heard together.

Some participants also suggested that their evidence and submissions should be presented in languages other than English and requested the Board to provide interpreters. The Board wishes to confirm that the hearing will be conducted in English. Should any participant require evidence or submissions to be translated to or from any other language, it will be that party's sole responsibility to retain and/or provide interpreters for the hearing so that the Board and other participants may understand the evidence and submissions. Similarly, any documents submitted as exhibits and containing non-English words must be accompanied by an English translation.

DATED at Calgary, Alberta, on May 30, 2000.

ALBERTA ENERGY AND UTILITIES BOARD

(Original signed by)

J. D. Dilay, P.Eng.
Presiding Board Member

(Original signed by)

T. M. McGee
Board Member

(Original signed by)

C. A. Langlo, P.Geol.
Acting Board Member

APPENDIX A

THOSE WHO APPEARED AT THE PREHEARING MEETING

Principals (Abbreviations Used in Report)	Representatives
EPCOR Power Development Corporation & EPCOR Generating Inc. (EPCOR)	D. R. Wright, Q.C.
ATCO Pipelines (ATCO)	B. Gilmour
The City of Edmonton (the City)	B. Duncan
Alberta Environment (AENV) Alberta Community Development (ACD) Alberta Health and Wellness (AH&W)	R. Bodnarek
Canadian Environmental Assessment Agency (CEAA)	L. Coulson
Edmonton and District Historical Society (E&DHS)	L. Maltby
Historical Society of Alberta (HSA)	R. Williams
Old Strathcona Foundation (OSF)	S. MacLeod
L. Herzog	L. Herzog
All Colors Society	D. Good Striker
Association canadienne-français de l'Alberta (ACFA)	L. Maisonneuve
Metis Nation of Alberta Association (MNAA)	P. Coutu
Natural Resources Initiative (NRI)	J. Graves, P.Eng.
Mother Earth Healing Society (MEHS)	L. Sinclair
Papaschasse First Nation Association of Alberta (Papaschasse Assoc.)	A. Gladue
The Lagimodiere Family	L. Maisonneuve

THOSE WHO APPEARED AT THE PREHEARING MEETING (continued)

Principals

(Abbreviations Used in Report)

Representatives

R. Wells

R. Wells

Edmonton Federation of Community Leagues
(EFCL)

B. Neufeld

Central Area Council of Community Leagues
(CACCL)

E. Nyland

Windsor Park Community League (WPCL)

E. Nyland

ConCerv

K. Buss

Rossdale Community League (RCL)

J. A. Bryan, Q.C.

Papaschasse First Nation

Chief R. Lameman

Strathcona Centre Community League (SCCL)

J. de Haan

R. Charlton

R. Charlton

Dr. R. Feroe and E. Gormley

Dr. R. Feroe
E. Gormley

B. Johnstone

B. Johnstone, P.Eng.

S. Ulfsten and Mr. and Mrs. T. Hill

S. Ulfsten

J. Jimenez

J. Jimenez

P. Hannemann

P. Hannemann

Western Canada Wilderness Committee

L. Phillips⁵

A. Wasnea

A. Wasnea

⁵ Mr. Phillips, of the Western Canada Wilderness Committee, indicated to EUB staff that he would not be able to stay to present his submission and requested that EUB staff read it into the record (see exhibit 14).

THOSE WHO APPEARED AT THE PREHEARING MEETING (continued)

Principals

(Abbreviations Used in Report)

Representatives

Alberta Energy and Utilities Board staff

A. Domes, Board Counsel

P. R. Forbes, C.E.T.

K. Gladwyn

D. Morris

APPENDIX B LISTS OF ISSUES INCLUDED AND NOT INCLUDED IN HEARING

TABLE 1. Matters raised by parties that EPCOR did not object to being raised as issues relevant to the Board's disposition of the Application

Issue	Included in hearing
Category 1-A: Social Effects	
Land use in the river valley	Yes
Decommissioning and demolition of Low Pressure Plant Building	Yes
Historical resources	Yes
Archaeological resources	Yes
Burial grounds	Yes, but limited to impacts of the project on burial grounds (i.e., does not include past treatment of remains, artifacts, and burial sites or historical land titles issues)
Noise and vibration	Yes
Public consultation process (including information disclosure)	Yes
Risk and public safety	Yes; includes human health impacts
Future plant expansion at the site	Yes
Plant design and landscaping	Yes
System reliability	Yes
Quality of life	Yes
District heating	Yes

TABLE 1. Matters raised by parties that EPCOR did not object to being raised as issues relevant to the Board's disposition of the Application (continued)

Issue	Included in hearing?
Category 1-B: Socioeconomic Effects	
Residential property values	Yes
Employment	Yes
Value of the central river valley	Yes
Transmission of increased power generation	Yes
Category 1-C: Environmental Effects	
Air quality and plant emissions	Yes
Fog	Yes
Water quality and use	Yes
Completeness of environmental impact assessment	Yes
Location of plant at Rossdale site	Yes

TABLE 2. Matters raised by parties that EPCOR objected to being raised because they are not relevant to the Board's disposition of the Application

Issue	Included in hearing?
Category 2-A: Need and Economics	
Need for increased generating capacity	No
Need for expanded facilities at proposed location	Yes, but limited to siting issues and geographic need for the power plant, not need for extra generation
Economics of the project	No
Energy conservation program	No
Economic impact of project	Yes (under Category 1-B: Socioeconomic impacts)
Highest and best use of natural gas	No
Category 2-B: Land-Use Planning Issues	
Land use planning issues	No
City of Edmonton's approval process for project	No
Category 2-C: Other Matters	
Site Integration Plan	Yes (relevant to design and landscaping issues under Category 1-A)
Interest in resource development projects generally	No